

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---------------------------------------------------|-------------------------------------|-------------------------------|--------------------------------------------------------|------------------------------------------|---------------------------------|
| Investigator: Leilani Rhodes | Team: Squad #16 | CCRB Case #: 201802228 | <input type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 02/11/2018 6:03 PM | Location of Incident: [REDACTED] | Precinct: 77 | 18 Mo. SOL 8/11/2019 | EO SOL 8/11/2019 | |
| Date/Time CV Reported Thu, 03/22/2018 12:50 PM | CV Reported At: CCRB | How CV Reported: In-person | Date/Time Received at CCRB Thu, 03/22/2018 12:50 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|----------------------|--------|--------|---------|
| 1. POM Colin Russell | 19390 | 959956 | 077 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Brett Ostrander | 18461 | 955284 | 077 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|---------------------|----------------------------------------------------------------------------------------------------|-----------------------------|
| A.POM Colin Russell | Off. Language: Police Officer Colin Russell made remarks to § 87(2)(b) [REDACTED] based upon race. | [REDACTED] |

Case Summary

§ 87(2)(b) filed her complaint with the CCRB in person on March 22, 2018.

On February 11, 2018, at approximately 6:03 p.m., § 87(2)(b) directed her § 87(2)(b) -daughter to call 911 to request medical assistance at § 87(2)(b), in Brooklyn, for her boyfriend § 87(2)(b) who had lost consciousness. Officers from the 77th Precinct, including Officer Colin Russell, responded to the residence accompanied by medical personnel. § 87(2)(b) alleged that while inside the residence, Officer Russell used offensive language towards § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) was ultimately arrested and charged with § 87(2)(b).

There was no video footage of this incident, nor was it captured by body-worn camera.

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Colin Russell made remarks to § 87(2)(b) based upon race.

In her sworn statement to the CCRB, § 87(2)(b) stated that on February 11, 2018, at approximately 6:03 p.m., her § 87(2)(b) daughter called 911 to report that § 87(2)(b)'s boyfriend, § 87(2)(b) had lost consciousness. Eight or nine officers arrived and entered the apartment, including Officer Russell, along with emergency medical technicians (EMTs). When a medical technician noticed that § 87(2)(b) had bruises on her body, they questioned her to determine whether she was being abused by § 87(2)(b). Officer Russell also questioned § 87(2)(b) about her relationship with § 87(2)(b) (Board Review 01).

§ 87(2)(b) alleged that while Officer Russell was standing in between the living room and the bedroom, she heard him tell § 87(2)(b) that he was “guilty because he was black. Because of his skin color.” At a later point in the interview, § 87(2)(b) quoted Officer Russell as saying, “You’re guilty, you’re black.”

In his sworn statement § 87(2)(b) alleged that after he explained the nature of his relationship with § 87(2)(b) in relation to her bruises, Officer Russell said, “You’re automatically guilty because you’re black.” (Board Review 02)

The investigation determined that the EMTs who transported § 87(2)(b) were from § 87(2)(b). On July 13, 2018, § 87(2)(b) stated that they had no records pertaining to the treatment of § 87(2)(b) § 87(2)(g).

In his statement to the CCRB, Officer Russell denied ever discussing § 87(2)(b)'s race with him and denied hearing any other officer make any racial statements. He stated that he did not make any statements about § 87(2)(b) being guilty of a crime or committing a crime. PO

Russell said that he never used offensive language about race towards § 87(2)(b) and never heard anyone else mention § 87(2)(b)'s race at all during the incident. (Board Review 03)

PO Ostrander denied that he or PO Russell said anything about § 87(2)(b) being guilty of a crime. PO Ostrander said that § 87(2)(b)'s race was never discussed, nor was the subject of race in general discussed. When read the allegation, "You're guilty because you're black" or "You're guilty, you're black" PO Ostrander stated that to his knowledge, no statements like that were ever made by any officer. Also, there was never a discussion about how § 87(2)(b) should plead in his case. (Board Review 04)

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- As of August 9, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint. (Board Review 08)

Civilian and Officer CCRB Histories

- § 87(2)(b) has not been party to any prior CCRB complaints. (Board Review 09)
- § 87(2)(b) has not been party to any prior CCRB complaints. (Board Review 10)
- Officer Russell has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____

| | Signature | Print Title & Name | Date |
|-----------|-----------|--------------------|-------|
| Reviewer: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |